

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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H.B. AUTOMOTIVE GROUP, INC., d/b/a KIA	:
OF THE BRONX, and MAJOR MOTORS OF	:
LONG ISLAND CITY, INC., d/b/a MAJOR KIA	:
OF LONG ISLAND CITY,	:
	:
Plaintiffs,	:
	:
-against-	:
	:
KIA MOTORS AMERICA,	:
	:
Defendant.	:
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13-CV-4441 (VEC)(DF)

ORDER

VALERIE CAPRONI, United States District Judge:

On August 22, 2016, the Court granted summary judgment on all claims to defendant Kia Motors America (“KMA”). *See H.B. Auto. Grp., Inc v. Kia Motors Am.*, No. 13-CV-4441 (VEC), 2016 WL 4446333, at *1 (S.D.N.Y. Aug. 22, 2016). On July 26, 2018, Magistrate Judge Freeman filed a report recommending the Court award KMA attorneys’ fees of \$311,216.87 and \$18,028.35 in costs (the “R&R”). Dkt. 131. No party has objected to the R&R and the time to do so has expired.

In reviewing a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). The standard of review employed by the district court in reviewing a report depends on whether any party makes timely and specific objections to the report. *Williams v. Phillips*, No. 03-CV-3319 (KMW), 2007 WL 2710416, at *1 (S.D.N.Y. Sept. 17, 2007). To accept those portions of the report to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *King v. Greiner*, No. 02-CV-5810 (DLC), 2009 WL 2001439, at *4 (S.D.N.Y. July 8, 2009) (quoting

Wilds v. United Parcel Service, Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)). The Court also reviews objections that are “conclusory or general” for clear error. *See Pineda v. Masonry Const., Inc.*, 831 F. Supp. 2d 666, 671 (S.D.N.Y. 2011). Where, however, specific objections to the report have been made, “[t]he district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *see United States v. Male Juvenile (95-CR-1074)*, 121 F.3d 34, 38-39 (2d Cir. 1997).

Because no party has objected to the R&R, the Court reviews for clear error. The Court perceives no clear error in the Magistrate’s thorough report. The Magistrate determined appropriate rates based on a comparison to cases in similar areas of the law. The Magistrate also imposed a reasonable reduction in the amount of hours billed by KMA’s attorneys to account for block-billed time entries.

Accordingly, the Court ADOPTS IN FULL the R&R. KMA is awarded attorneys’ fees in the amount of \$311,216.87 and \$18,028.35 in costs. By **September 7, 2018**, KMA must submit a form of judgment consistent with the Court’s prior orders and the R&R.

The Clerk of the Court is respectfully requested to close the open motion at docket entry 126.

SO ORDERED.

Date: August 22, 2018
New York, NY


VALERIE CAPRONI
United States District Judge